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Attorney for Plaintiff
BRIAN SETENCICH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN SETENCICH,

Plaintiff,

vs.

THE AMERICAN RED CROSS, a non-profit
corporation, STEVE BROWN, ROBERT
BROWNING and DOES 1 through 30,
inclusive,

Defendants.

CASE NO.: C 07-03688 JCS

**DECLARATION OF JILL P. TELFER IN
SUPPORT OF PLAINTIFF BRIAN
SETENCICH'S OPPOSITIONS TO THE
THREE DEFENDANTS' MOTION
TO DISMISS THE FIRST AMENDED
COMPLAINT**

Date: February 12, 2008
Time: 1:00 p.m.
Courtroom: 3
Judge: Hon. Saundra B. Armstrong

I, JILL P. TELFER DO DECLARE:

1. I am an attorney licensed to practice before this Court. I represent plaintiff Brian Setencich ("Setencich") and have personal knowledge of the facts stated herein unless stated otherwise.
2. Setencich filed his complaint in San Francisco Superior Court on March 13, 2007.
3. Defendant American Red Cross ("ARC") removed the case on July 19, 2007 on the alleged basis that ARC must be sued in federal court because of a federal corporate charter (36 U.S.C. §2).

*Declaration of Jill P. Telfer in Support of Plaintiff's Opposition to the Three Defendants'
Motion to Dismiss The First Amended Complaint*

1 4. Defendant ARC alone filed a motion to dismiss on July 24, 2007. The parties
2 stipulated to have the motion heard on October 2, 2007, to coincide with the Case Management
3 Conference.

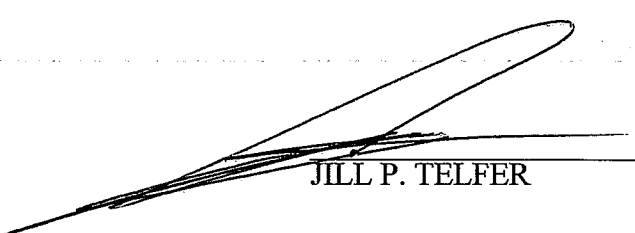
4 5. Although Setencich opposed the motion to dismiss on September 11, 2007, requesting
5 leave to amend, Setencich filed his first amended complaint on November 8, 2007.

6 6. On November 27, 2007, ARC and the individual defendants filed motions to dismiss
7 the First Amended Complaint.

8 7. On December 4, 2007, the Court denied ARC's Motion to Dismiss the original
9 complaint and Setencich's request for leave to amend as moot.

10 8. On or about November 28, 2007, I subpoenaed Marc Jackson for a deposition to take
11 place on December 28, 2007. In response, defense counsel Sabrina Shadi called me and informed
12 me it is ARC's position that Marc Jason is a managing agent for ARC and that as a result, they
13 would be representing him for purposes of his deposition and that I was to cease all communications
14 with him regarding this case

15 I declare under penalty of perjury that the foregoing is true and correct and that this
16 declaration was executed under the laws of the State of California on January 22nd, 2008 at
17 Sacramento, California

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JILL P. TELFER

1 CASE: Setencich v. The American Red Cross, et al.
2 COURT: USDC, Northern District, Oakland Division
3 CASE NO. C 07-03688 SBA

4 I declare that I am a citizen of the United States, that I have attained the age of majority, and
5 that I am not a party to this action. My business address is 331 J Street, Sacramento, CA 95814. I
6 am familiar with this firm's practice of collection and processing of correspondence to be deposited
for delivery via the U.S. Postal Service as well as other methods used for delivery of correspondence.
On the below stated date, in the manner indicated, I caused the foregoing document(s) entitled:

7 **PLAINTIFF BRIAN SETENCICH'S OPPOSITION TO DEFENDANT STEVE BROWN'S**
8 **SECOND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT**

to be served on the party(ies) or their (its) attorney(s) of record in this action by:

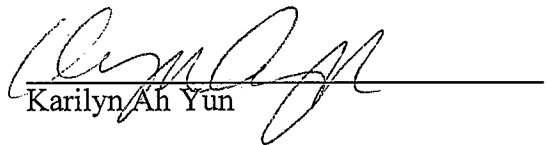
9 ☒ Facsimile transmission to the number(s) noted below.

10 ☐ Placing a true copy thereof in a sealed envelope with postage thereon fully prepaid in
11 the designated area for outgoing mail and addressed as indicated below. Said
12 documents will be deposited with the U.S. Postal Service at Sacramento, California
13 on this date in the ordinary course of business. I understand that upon motion of a
14 party served service shall be assumed invalid if the postal cancellation date or postage
meter date on the envelope is more than one (1) day after the date of deposit for
mailing as contained in this declaration.

15 ☐ Hand-delivery addressed to:

16 **Sabrina L. Shadi, Esq.**
17 **BAKER & HOSTETLER**
12100 Wilshire Boulevard, 15th Floor
Los Angeles, California 90025-7120
18 **fax: (310) 820-8859**

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20 I declare under penalty of perjury that the foregoing is true and correct. Executed on January
21 22, 2008, in Sacramento, California.

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24 Karilyn Ah Yun